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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,315	07/30/1999	THOMAS T. CHEUNG	ST9-99-078	9277

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EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/31/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/364,315

Applicant(s)

CHEUNG, THOMAS T.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/8/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. This Action is in Response to the Information received on 19 August 2002.
2. Claims 1-44 are presented for examination.
3. Claims 31-44 are new ones.

Drawings

4. The corrected or substitute drawings were received on 08 March 2002. The Examiner acknowledged the receipt of these formal drawings.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Heath et al.** US patent no. **5,553,239** in view of **Schneider et al.** US patent no. **6,408,336 B1**.

7. As to claim 1, Heath, Management Facility For Server Entry And Application Utilization In A Multi-Node Server, discloses, a method of determining access, the method comprising the steps of: receiving one or more requests to access a system (Heaths discloses that a server architecture for connecting to a plurality of remote client computers each seeking access to applications resident on the server, Heaths,

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Abstract, Fig. 1); However, Heath does not explicitly disclose, for each request, determining whether to allow access to the system using access vector to identify an available access object. Thus, the artisan would have been motivated to look into the related network application access art for potential methods and systems for implementing the access control of network applications.

In the same field of endeavor, Schneider, related Distributed Administration Of Access To Information, discloses in an analogous art network application access control, for each request, determining whether the access request made by a user to be allowed to access to the information resources using access control information which includes the access policy, administrative policy and policy maker policy to identify an available access object (Schneider, Abstract, col. 5, line 65 – col. 49, line 28).

Accordingly, it would have been obvious to one of ordinary skill in the network application access art at the time the invention was made to combine the teachings of Heath of clients seeking access to applications resident on the server with Schneider's teachings of access control information to identify access objects, for the purpose of overcoming the scalability problems of the prior art access filters presented for virtual private networks (Schneider, col. 47, line 50 – col. 49, line 28). Schneider also suggests that another feature of the access filter which contributes to scalability is the ability to authenticate session to each other; because the access filters can do this, access checking of a request need only be done once, at the first access filter encountered by the request (Schneider, col. 47, line 50 – col. 49, line 28).

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8. As to claim 2, Heath-Schneider discloses, wherein the access object comprises information regarding attributes of the access object (Schneider, cols. 1-49, lines 1-67).

9. As to claim 3, Heath-Schneider discloses, wherein the step of determining further comprises the step of evaluating whether the request can be satisfied with an available access object based on one or more attributes of that access object (Heath, col. 13, lines 29-31; col. 14, lines 3-4; Schneider, col. 20, line 45 – col. 23, line 26).

10. As to claim 4, Heath-Schneider discloses, further comprising the step of returning a result to the request (Schneider, col. 20, line 45 – col. 23, line 26).

11. As to claim 5, Heath-Schneider discloses, further comprising the step of modifying the access vector upon receiving an indication that a request has completed its access to the system (Heath, the connection management that monitors the user's level of online activity, terminating inactive connections both to save system resources and to limit unnecessary connection charges to the user; Abstract; col. 3, lines 42-44; Schneider, col. 5, line 65 – col. 7, line 31; col. 8, line 22 – col. 49, line 28).

12. As to claim 6, Heath-Schneider discloses, further comprising the step of modifying the access vector to modify a number of access objects (Heath, the application management that spreads users optimally among active application instances, maintaining a pool of available applications, initiating new instances when the pool is low, and which records a user's utilization of different applications for billing purposes; Abstract; col. 3, lines 44-48; Schneider, col. 8, line 22 – col. 49, line 28).

13. As to claims 7, 8, Heath-Schneider discloses, wherein the number of access objects is increased/decreased (Schneider, col. 8, line 22 – col. 49, line 28).

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14. As to claim 9, Heath-Schneider discloses, further comprising the step of modifying one or more attributes of an access object (Schneider, col. 8, line 22 – col. 49, line 28).

15. As to claim 10, Heath-Schneider discloses, further comprising the step of allowing one request at a time to manipulate the access vector (Schneider, col. 5, line 65 – col. 49, line 28).

16. Claim 11 recites an apparatus corresponding to the method of operation of claim 1. The apparatus claimed is obvious in that it simply follows the logical implementation of the method indicated in the referenced claims to perform each of the logical steps of controlling access to web servers method that results from the combination of the references discussed above regarding the claims to the method of operation. Thus, the apparatus described in claim 11 would have been obvious in view of the elements provided in the combination of the references, which correspond to the steps in the method of operation for the same reasons discussed above regarding claim 1.

17. Claims 12-20 are substantially the same as claims 2-10 and are thus rejected for the reason similar to those in rejection claims 2-10.

18. As to claim 21, Heath-Schneider discloses an article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform the method steps for determining access as in the apparatus of claim 11 above. The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a computer program carrier readable by a computer embodying one or more instructions for the storing and

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execution of the method and apparatus in order to perform the functional procedures for determining, controlling access to web servers and computer resources. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer program carrier readable by a computer embodying one or more instructions executable by the computer to store and execute the procedures of managing computer network resources and determining access control because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art.

19. Claims 22-30 are substantially the same as claims 2-10 and are thus rejected for the reason similar to those in rejection claims 2-10.

20. As to claim 31, Heath-Schneider discloses a method of determining access, the method comprising: receiving one or more requests to access a system (Heaths discloses that a server architecture for connecting to a plurality of remote client computers each seeking access to applications resident on the server, Heaths, Abstract, Fig. 1; Schneider, col. 8, line 22 – col. 49, line 28); and for each request, determining whether to allow access to the system using access vector (access control information) comprising of one or more access indicators (sensitivity trust levels) to identify an available access object (Schneider, col. 8, line 22 – col. 49, line 28).

21. As to claim 32, Heath-Schneider discloses, wherein said access indicators contain information used to determine validity of the request for access (Schneider, col. 8, line 22 – col. 49, line 28).

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22. As to claim 33, Heath-Schneider discloses, wherein the information used to determine the validity includes an access level identifier and the validity of the request is determined based upon comparing an access level associated with the request with the access level identifier (Schneider, col. 8, line 22 – col. 49, line 28).

23. As to claim 34, Heath-Schneider discloses, wherein said access indicators include a resource characteristic and determining the validity of the request further includes comparing information contained in the access request with said resource characteristic (Schneider, col. 8, line 22 – col. 49, line 28).

24. As to claim 35, Heath-Schneider discloses, wherein the resource characteristic includes one of a resource identifier, resource type, copyright information, type of allowed use, type of allowed user, availability, size, and access level identifier (Schneider, col. 8, line 22 – col. 49, line 28).

25. As to claim 36, Heath-Schneider discloses, wherein the method further comprises manipulating the access vector to add an access indicator, thereby expanding the number of simultaneous accesses to the system (Schneider, col. 1, line 30 – col. 49, line 28).

26. As to claim 37, Heath-Schneider discloses, wherein the method further comprises manipulating the access vector to remove an access indicator, thereby reducing the number of simultaneous accesses to the system (Schneider, col. 1, line 30 – col. 49, line 28).

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27. As to claim 38, Heath-Schneider discloses an article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform the method steps for determining access as in the method of claim 31 above. The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a computer program carrier readable by a computer embodying one or more instructions for the storing and execution of the method and apparatus in order to perform the functional procedures for determining, controlling access to web servers and computer resources. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer program carrier readable by a computer embodying one or more instructions executable by the computer to store and execute the procedures of managing computer network resources and determining access control because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art.

28. Claims 39-44 are substantially the same as claims 32-37 and are thus rejected for the reason similar to those in rejection claims 32-37.

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Conclusion

29. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 8:00-4:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3230.

Hai V. Nguyen
Examiner
Art Unit 2142

HN

KENNETH R. COULTER
PRIMARY EXAMINER
Kenneth R. Coulter